



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,403	02/26/2002	Timo Haataja	800.0324.U1(US)	3628
10/948 7590 06/21/2011 Harrington & Smith, Attorneys At Law, LLC 4 Research Drive, Suite 202 Shelton, CT 06484				
EXAMINER				
POINVIL, FRANTZY				
ART UNIT		PAPER NUMBER		
3691				
MAIL DATE		DELIVERY MODE		
06/21/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/069,403

Applicant(s)

HAATAJA ET AL

Examiner

FRANTZY POINVIL

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-48 is/are allowed.
- 6) ☒ Claim(s) 26-29, 33-38, 42-44 is/are rejected.
- 7) ☒ Claim(s) 30-32 and 39-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/1/2011 have been fully considered but they are not persuasive.

The Examiner had stated that Walker Walker does not teach "a request indicates a particular tariff scheme from a plurality of tariff schemes, where a tariff scheme defines how calls are to be charged". The Examiner had cited Block for the provision of this feature. In the applicant's response, the applicant has cited column 12, lines 53-56 and column 8, lines 7-11 relevant portions of Block teaching how particular calls or tariff schemes are controlled. Applicant's representative then provides statements that in Block and from the noted passages that there is "no disclosure or suggestion that the request of the calling subscriber number is a request to credit a prepaid account with a subscriber. In response, the Examiner did not cite Block to denote teachings associated with a prepaid account. Teachings of a prepaid account were noted to be provided by Walker. Particularly, Walker teaches recharging an account with a credit card or a debit card thus providing a prepaid account. Block teaches that there is present a plurality class of services that a client can use to make particular calls. See column 12, lines 53-56 and column 8, lines 7-11 of Block.

Thus, applicant's arguments that Block does not teach or disclose or suggest that the request of the calling subscriber number is a request to credit a prepaid account with a subscriber is not convincing because the examiner had not indicated such. It should be noted that Walker

teaches a prepaid account and that Block has been applied to denote teachings of a tariff scheme or particular class of service calls.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Block with Walker in order to appropriately bill a prepaid account based on calls made according to a prearrangement of a service request.

2. The prior rejection is repeated below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-29, 33-38, 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent No. 5,825,863) in view of Block (US Patent No. 5,960,416).

As per claims 26, 29, 35, 38, Walker et al disclose a system and method for enabling prepayment of telephone call charges in connection with a calling-card account of an account holder or subscriber. The calling-card account can be recharged continuously from a linked credit account and/or bank account. Walker further states that the "charges may be incurred

thereafter on a per unit-time basis. See the abstract of Walker. Thus, if the credit account can be recharged by the cardholder, thus, in making a request to recharge the calling card, the subscriber would have provided the amount desired to recharge, the credit card or debit card to be used and the type of calls the subscriber will make. Types of calls are usually charged based on the time, day, national or international and roaming. Walker does not explicitly state a request indicates a particular tariff scheme from a plurality of tariff scheme where a tariff scheme defines how calls are to be charged. Block provides such a teaching. Applicant is directed to column 12, lines 53-56, column 8, lines 7-11 of Block. Block further teaches that a subscriber by making a prearrangement for a particular class of services, request a particular tariff scheme from a plurality of tariff schemes, where a tariff scheme defines how calls are to be charged. See column 26, line 54 to column 27, line 45. Block also teaches setting a current tariff scheme associated with the subscriber to the particular tariff scheme. See also column 12, lines 53-56 and column 7, lines 62-66. Block also teaches in response to a call being initiated by a subscriber, determining by a processor the current tariff scheme and charging the account for the call based at least in part on the current tariff scheme. The current scheme can be a current scheme sets forth in the prearrangement or a tariff scheme for a particular time, day or date as such is routinely done in the communication art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Block with Walker in order to appropriately bill a prepaid account based on calls made according to a prearrangement of a service request.

As per claims 27, 36 Block clearly teaches the functions of determining a current tariff model associated with the subscriber from a plurality of tariff models, where a tariff model comprises at least one tariff scheme, and determining the current tariff scheme from the at least

one tariff scheme in the current tariff model. See also column 26, line 54 to column 27, line 45 of Block.

As per claims 28, 37 Block teaches “where determining the current tariff scheme from the at least one tariff scheme is based at least in part on at least one of: a current time, a current day and a number being called. See column 19, lines 13-139.

As per claims 33-34, 42-43, the combination of Walker and Block discloses a plurality of tariff schemes and calling plans with different rates based on time, calling locations and calling destinations. A particular customer may enroll in a new plan or updates and/or add funds to a particular plan. Therefore, having a second or additional request and setting a tariff scheme or a current tariff scheme would have been obvious to one of ordinary skill in the art to do at the time of the invention in the combination of Walker and Block in order to allow a customer to make any particular changes in their account such as having a new calling plan with a better rate to call another country.

As per claim 44, Block teaches their system is also embodied in a wireless network mode. See column 16, lines 41-43 of Block.

4. Claims 30-32 and 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 45-48 are allowable over the art of record.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANTZY POINVIL whose telephone number is (571)272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/
Primary Examiner, Art Unit 3691

/FP/
June 6, 2011